

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARIO CANDO, et al.,
on behalf of themselves,
FLSA Collective Plaintiffs and the Class,

Plaintiffs,

Case No.: CV-16-1154

Levy, M.J.

v.

BIG CITY YONKERS, INC.,
AUTOSTAR AUTOMOTIVE WAREHOUSE,
INC., QPBC INC., MICHIGAN LOGISTICS INC.,
NORTHEAST LOGISTICS, INC., and
JOHN DOE CORPORATIONS 1-8,

Defendants.

DECLARATION OF C.K. LEE

I, C.K. Lee, declare as follows:

1. I am counsel to Plaintiffs on this matter and am a partner at Lee Litigation Group, PLLC.
2. After the mediation on August 1, 2016 with Ralph Berger, which concluded with no settlement, the parties continued to engage in settlement discussions. However, Defendants were adamant as to the range of settlement that they were willing to pursue, subject to resolution of other relevant terms such as reversion, scope of release, etc.
3. During the course of such continued discussions, I consistently tried to convince Troy Kessler to participate in a class settlement, in the range that was being discussed. I believe that such settlement would be fair because any named plaintiff in the *Robinson* or *Cando* cases would have the right to opt out (unlike in other class settlements), and other class members who receive a notice would also have the right to opt out or object.
4. Particularly after speaking with and observing Frank Robinson, the lead claimant in the *Robinson* case who participated in the mediation with Ralph Berger, I was convinced that it was in the best interest of the class to engage in an expedient settlement prior to extended litigation.
5. However, despite my efforts, Troy Kessler informed me that he was unwilling to engage in a settlement below a certain amount, and was willing to litigate for years. He and I agreed to

disagree on the risks related to the case. Because of our mutually busy schedules, I even invited him to breakfast at my home at 8am on October 18, 2016, to which he subsequently declined.

6. On the basis of all the arguments already submitted to the Court in Plaintiffs' motion for preliminary approval of a class settlement, I assert that the negotiated settlement is fair, was conducted at an arms-length basis, and is beneficial to the prospective class. I join with the Defendants in opposing Troy Kessler's motion to intervene.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: December 19, 2016

Respectfully submitted,

LEE LITIGATION GROUP, PLLC

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*Attorneys for Plaintiffs, FLSA Collective Plaintiffs
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